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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,746	12/28/2000	Sandra H. Rosenberg	PM 273212 P9892	5553
27496	7590	04/18/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP			ROBINSON BOYCE, AKIBA K	
P.O BOX 10500			ART UNIT	
McLean, VA 22102			PAPER NUMBER	
			3639	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/749,746		ROSENBERG ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Akiba K. Robinson-Boyce		3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-11,13,14,16,17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11, 13,14,16,17, and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 1/26/06, the following is a final office action. Claims 1-8, 12, 15, 18 and 19 have been cancelled. Claims 9-11, 13, 14, 16, 17, 20 and 22 have been amended. Claim 24 had been added. Claims 9-11, 13,14,16,17, and 20-24 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn, and the following reflects the claims as amended. Claims 9-11, 13,14,16,17, and 20-24 are rejected as follows.

### ***Claim Objections***

2. Claims 9, 10 and 17 are objected to because of the following informalities: In the claim 9, fourth limitation, the word "said" appears twice in a row. In claim 10, the word "and" appears at the end of the claim, however, there are no other limitations that follow the first limitation. In claim 17, third limitation, the phrase "and said" appears twice in a row. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "said calibration unit" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,611,842).

As per claim 9, Brown discloses:

Display a plurality of rating scales for a product, (Col. 4, lines 10-18 and lines 27-34, shows that the product ratings database associates the product with a plurality of category values, and are stored as a record with the user selection database, where selections are used to generate profile data identifying categories and groups of categories within product rating records, w/ Fig. 1, shows that a display is connected to the user selection database, therefore, information in the user selection database can be displayed, thereby making it inherent for the information from the product ratings database with a plurality of category values to be displayed);

Receive a first post-use rating for a product on a first scale of the plurality of rating scales, the first post-use rating corresponding to a first property of content of the product, (Col. 5-6, see tables, shows the rating scales for the invention, where category 1 (happy-sad), can be rated on a scale of 1-10, in this case, these ratings represent post ratings since already used/rated items are used to select items that have yet not

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been used, where the selections for pre-used products, but also already used by a previous user are stored as a user profile, as shown in Col. 6, lines 43-51, and can therefore be used over again for re-rating purposes);

Receive a second post-use rating for the product on a second scale of the plurality of rating scales, the second post-use rating corresponding to a second property of content of the product, (Col. 5-6, see tables, shows category 2 (funny-serious), can be rated on a scale of 1-10);

Analyze said first post –use rating and said second post-use rating, (col. 10, lines 28-42, after processing category rating data, profile data then used for product selection); and

Enable adaptive product recommendations for the product based on the analysis of said first post-use rating on said first scale and said second pos-use rating on said second scale, (col. 4, lines 34-38, generates lists of suggested products, w/ col. 10, lines 42-44, profile data used to select products for target advertising).

As per claim 10, Brown discloses:

Updating an overall rating of said first scale utilizing the first post-use rating and updating an overall rating of said second scale utilizing the second post-use rating, (Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product).

As per claim 11, Brown discloses:

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Obtain a first post-use rating for a product on a first scale of a plurality of rating scales, (Col. 5-6, see tables, shows category 1 (happy-sad), can be rated on a scale of 1-10);

Obtain a second post-use rating for the product on a second scale of the plurality of rating scales, both of the first and second post-use ratings being from one user, (Col. 5-6, see tables, shows category 2 (funny-serious), can be rated on a scale of 1-10);

Adjust an overall rating of the first scale based on the first post-use rating and adjust an overall rating of the second scale based on the second post-use rating, (Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-14, 16, 17, and 20-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,611,842).

As per claims 13, Brown discloses:

obtain a desired first pre-use rating on a first rating scale for a product from a user and obtain a second desired pre-use rating on a second rating scale for the product from the user, each of said desired first pre-use rating and said second pre-use

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rating corresponding to a rating of a first property and second property of content of the product, (Col. 6, lines 43-51, shows that upon selection of a product that was used and rated by another user, the current user's profile data, before he/she uses the product is amended to include the selected high and low ratings, where col. 5-6, see tables, shows the rating scales for the invention, where category 1 (happy-sad), can be rated on a scale of 1-10, and also shows category 2 (funny-serious), can be rated on a scale of 1-10);

obtain a recommendation for the product based on a proximity of said desired first pre-use rating and said desired second pre-use rating to stored ratings on the first rating scale and the second rating scale for the product, (Col. 3, lines 14-23, shows that based on a comparison of current user profile data and user history profile data, a recommendation can be made, where user profile is base on selections);

receive input to select the recommended product from the user, (Col. 3, lines 14-16, shows selecting products and services on the basis of generated profiled data to mimic the selections adopted, where in this case selections adopted came as a result of recommendations); and

acquire a first post-use rating on the first rating scale and a second post-use rating on the second rating scale for said product from the user after the product has been selected, (Col. 5-6, see tables, shows category 1 (happy-sad), can be rated on a scale of 1-10, in this case, the ratings are stored ratings made by users who have selected and used products, and also shows category 2 (funny-serious), can be rated on a scale of 1-10, in this case, these ratings can represent both pre and post ratings

since already used/rated items are used to select items that have yet not been used, where the selections for pre-used products, but also already used by a previous user are stored as a user profile, as shown in Col. 6, lines 43-51, and can therefore be used over again for the same purpose);

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to acquire both pre and post-use ratings with the motivation of determining how the product was rated before and after it was used, and also to have information that can be applied for future ratings.

As per claim 14, Brown discloses:

Create a personalized filter for each of the first rating scale and the second rating scale for said user based on said first pre/post-use discrepancy and second pre-post-use discrepancy, (Col. 11, lines 53-60, filtered list).

As per claim 16, Brown discloses:

Acquire post-use satisfaction ratings of said product from said user of said product, (Col. 5-6, see tables, shows category 1 (happy-sad), can be rated on a scale of 1-10, in this case, the ratings are stored ratings made by users who have selected and used products, and also shows category 2 (funny-serious), can be rated on a scale of 1-10, in this case, these ratings can represent both pre and post ratings since already used/rated items are used to select items that have yet not been used, where the selections for pre-used products, but also already used by a previous user are stored as a user profile, as shown in Col. 6, lines 43-51, and can therefore be used over again for the same purpose);



Correlate the post-use satisfaction ratings with the first pre/post-use discrepancy for the first rating scale and the second pre/post-use discrepancy for the second rating scale to identify which of the pre/post-use discrepancies substantially correlate with low values of said pos-use satisfaction ratings, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37, w/Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product).

As per claim 17, Brown discloses:

an acquisition unit for acquiring a first pre-use selection specification and a second pre-use selection specification from a user, said pre-use selection specifications specifying a first desired product rating and a second desired product rating, respectively, (Col. 6, lines 43-51, shows that upon selection of a product that was used and rated by another user through use of the computer system, the current user's profile data, before he/she uses the product is amended to include the selected high and low ratings, where col. 5-6, see tables, shows the rating scales for the invention, where

category 1 (happy-sad), can be rated on a scale of 1-10, and also shows category 2 (funny-serious), can be rated on a scale of 1-10);

a product rating storage mechanism for storing a plurality of product rating scales fro a plurality of products including a first rating scale and a second rating scale for each of the products, (Col. 4, lines 10-18 and lines 27-34, product ratings database);

a product recommendation unit for making a product recommendation and selection based on a closeness of said first pre-use selection specification and said second pre-use selection specification and said first rating scale and said second rating scale, respectively, (col. 4, lines 34-38, shows the computer system generates lists of suggested products, where, col. 10, lines 42-44 shows that profile data is used to select products for target advertising, w/Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37, w/Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product).

an acquisition unit for acquiring a first post-use rating and a second post-use rating for the product selected from the product recommendations, (Col. 5-6, see tables, shows computer system generates the rating scales for the invention, where category 1

(happy-sad), can be rated on a scale of 1-10, and also shows category 2 (funny-serious), can be rated on a scale of 1-10, in this case, these ratings represent post ratings since already used/rated items are used to select items that have yet not been used, where the selections for pre-used products, but also already used by a previous user are stored as a user profile, as shown in Col. 6, lines 43-51, and can therefore be used over again for re-rating purposes);

As per claim 20, Brown discloses:

further including generating a first pre/post-use discrepancy for the first rating scale by determining a difference between the first desired product rating with the first post-use rating, generating a second pre/post-use discrepancy for the second rating scale by determining a difference between the second desired pre-use selection specification and the second post-use rating, wherein said calibration unit includes a correlation unit, the correlation unit collecting a post-use overall rating for the product, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37, w/Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is

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indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product).

As per claims 21, 22, Brown discloses:

Further including building an adjustment filter based on the identified rating scales which correlate to the post-use overall rating for the product/Wherein the adjustment filter includes weighting the first rating scale and the second rating scale, (col. 22, lines 55-62, new scorer causing the score to be updated).

As per claim 23, Brown discloses:

Wherein the adjustment filter is incorporated into the product recommendation unit to filter the pre-use selection specifications, (Col. 14, lines 13-25, collaborative filtering).

As per claim 24, discloses:

Generate a first pre-/post-use discrepancy for the first rating scale by determining a difference between the desired first pre-use rating with the first post-use rating; and generate a second pre-/post-use discrepancy for the second rating scale by determining a difference between the desired second pre-use rating and the second post-use rating, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history

data in col. 4, lines 27-37, w/Col. 7, lines 3-14, categories and groups of categories are utilized to update profile data which is indicative of the total number of occurrences of high/low and group ratings for all category rating data for each product, where Col. 5-6, see tables, shows category 1 (happy-sad), can be rated on a scale of 1-10, in this case, the ratings are stored ratings made by users who have selected and used products, and also shows category 2 (funny-serious), can be rated on a scale of 1-10, in this case, these ratings can represent both pre and post ratings since already used/rated items are used to select items that have yet not been used, where the selections for pre-used products, but also already used by a previous user are stored as a user profile, as shown in Col. 6, lines 43-51, and can therefore be used over again for the same purpose).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 9-11, 13,14,16,17, and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

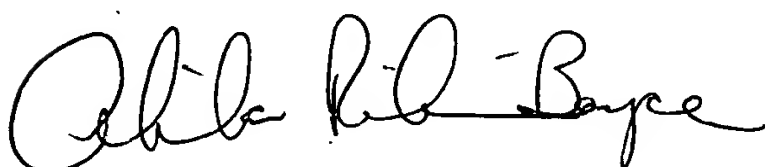
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

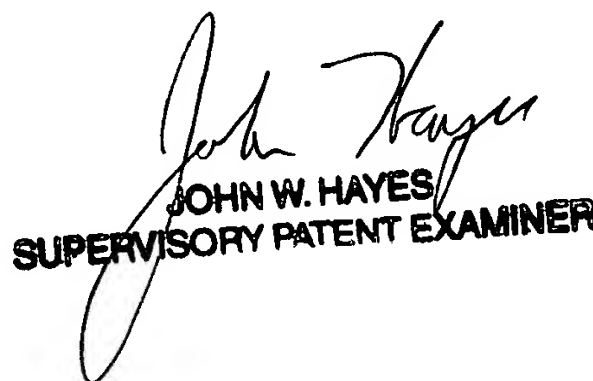
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
April 14, 2006



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER